

CUSTOMER NO.: 24498
Serial No.: 10/533,978
Final Office Action dated: 05/22/08
Response dated: 07/25/08

PATENT
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Remarks/Arguments

Claims 1-20 are pending and stand rejected. Claims 1 and 11 have been amended. No new matter is believed to be added by the amendments. Applicants respectfully request reconsideration of the application based on the following Remarks.

Claim Rejections – 35 U.S.C. §102

Claims 1-8 and 11-17 are rejected as being anticipated by U.S. Patent Application Publication No. 2002/0080930 to Cho. Applicants respectfully submit that for reasons discussed below, the subject claims are patentably distinguishable over Cho.

Claims 1 and 11 have been amended to recite, *inter alia*, storing at least one of a fixed or dynamically generated diagnostic audio message and variable information (VI) for generating the dynamic portion of the diagnostic audio message, and provisioning error message generator/player for generating and playing the diagnostic audio message through said telephone indicative of the detected non-provisioned status and providing corrective action to be taken by the user when an off-hook condition is detected when said telephone is taken off-hook. The amendments are supported by the specification, for example, on page 3, line 20, to page 4, line 5, and page 5, lines 27-30.

Cho involves Internet phones and is directed to the problem wherein one terminal unit of the IP network is in a failure state, and the other unit does not receive any notice thereof, merely being in a standby state, which incurs communication fees corresponding to the standby time. To address this problem, Cho generally discloses a method in which the Internet telephone gateway performs a process flow for terminating a call with a corresponding subscriber terminal unit using an internal failure alarm system. Significantly, the methodology of Cho requires first accessing a call between a terminal unit for a PSTN and a terminal unit for an IP network.

When an alarm occurs in either the PSTN or the IP network, the Internet telephony gateway directly performs a flow for enabling a subscriber to normally terminate a call through the other network in which a failure alarm has not occurred. See paragraphs [0062] and [0063]. In particular, Cho teaches that the Internet telephony gateway

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checks states of the PSTN or the IP network in real time and performs a proper call processing with either the terminal unit for the PSTN or the terminal unit for the IP network, in which the failure does not occur (see paragraph [0022]).

In view of the above, it is clear that the Cho system is directed to a system in which an alarm signal is generated in real-time during an actual call session to provide an audible call termination signal or message to inform a user that interruption in call connection service has been encountered. That is, Cho involves a system for monitoring the states of a PSTN and the IP network while it accesses the call. *See* paragraph [0021] reciting, *inter alia*:

“...an Internet telephony gateway accesses a call between a terminal unit for a PSTN and a terminal unit for an IP network. The Internet telephony gateway monitors states of the PSTN and the IP network through a monitoring board for the PSTN and a monitoring board for the IP network **while it accesses the call**. When any failure occurs in either the PSTN or the IP network, the Internet telephony gateway internally generates an alarm. Once the alarm occurs, the Internet telephony gateway directly performs a flow for normally terminating the call, with one, which is normally operating, between the terminal unit for the PSTN and the terminal unit for the IP network.”
[emphasis added].

In contrast, the presently claimed inventions involve generating and playing a diagnostic audio message through a telephone connected to a media terminal adaptor which indicates a detected non-provisioned status and provides corrective action to be taken by the user when an off-hook condition is detected when the telephone is taken off-hook. That is, the method of the present invention does NOT require a call (between terminals) to be connected or accessed in order to be performed. Instead, the diagnostic message describing a detected non-provisioned status is generated and played in response to an **off-hook condition** of the telephone.

Furthermore, it is readily apparent that Cho lacks any teaching of instructing the user with regards to corrective action to be taken in response to the non-provisioned status. Accordingly, Cho fails to disclose or suggest at least provisioning error message generator/player **for generating and playing the diagnostic audio message through said telephone indicative of the detected non-provisioned status and providing corrective action to be taken by the user when an off-hook**

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condition is detected when said telephone is taken off-hook, essentially as claimed in claims 1 and 11.

Furthermore, Cho's 'audible alarm' simply involves a sound which is emitted for informing of termination of a call. See paragraph [0072] which recites: "[T]he sound includes a call termination message, a tone and an announcement. Therefore, with the sound, the corresponding terminal for the IP network is able to acknowledge the termination of the call." There is no disclosed or suggested ability in Cho of generating a dynamic audio message using variable information, nor of any storage of the same. Indeed, Cho fails to disclose or suggest at least storing at least one of a fixed or dynamically generated diagnostic audio message and variable information for generating the dynamic portion of the diagnostic audio message, essentially as claimed in claims 1 and 11.

Accordingly, for at least the above reasons, claims 1 and 11 are patentably distinct and patentable over Cho. Moreover, without elaboration needed, claims 2-8 and 12-17 are patentably distinct and patentable over Cho for at least the same reasons given for respective base claims 1 and 11. Withdrawal of the 102 rejections is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 9-10 and 18-20 are rejected as being unpatentable over Cho in view of Miyauchi et al (EP 1235416). Without elaboration, Applicant respectfully asserts that the obviousness rejections are legally deficient as a matter of law at least to the extent of the Examiner's misplaced reliance on Cho as applied to the base claims 1 and 11 from which claims 9-10 and 18-20 respectively depend. Accordingly, withdrawal of the obviousness rejections is respectfully requested.

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No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge the fee, or credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,

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